

Senate File 301 - Introduced

SENATE FILE 301

BY GARRETT

A BILL FOR

1 An Act relating to the failure of a person to remain at the
2 scene of an accident resulting in serious injury or death,
3 and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.261, subsection 3, Code 2021, is
2 amended to read as follows:

3 3. Notwithstanding *subsection 2*, any person failing to
4 stop or to comply with the requirements in *subsection 1*, in
5 the event of an accident resulting in a serious injury to any
6 person, is guilty upon conviction of an aggravated misdemeanor.
7 ~~For purposes of this section, "serious injury" means as defined~~
8 ~~in *section 702.18*.~~

9 Sec. 2. Section 321.261, Code 2021, is amended by adding the
10 following new subsections:

11 NEW SUBSECTION. 4A. The driver of any vehicle involved
12 in an accident, who causes a serious injury of any person,
13 who fails to comply with the requirements of subsection 1, is
14 guilty upon conviction of a class "D" felony.

15 NEW SUBSECTION. 4B. The driver of any vehicle involved in
16 an accident, who causes the death of any person, who fails to
17 comply with the requirements of subsection 1, is guilty upon
18 conviction of a class "C" felony.

19 NEW SUBSECTION. 6. For purposes of this section, "*serious*
20 *injury*" means the same as defined in section 702.18.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to the failure of a person to remain at the
25 scene of an accident resulting in serious injury or death, and
26 provides penalties.

27 Current law provides that the driver of any vehicle involved
28 in an accident resulting in injury to or death of any person
29 shall immediately stop the vehicle at the scene of the accident
30 or as close as possible and if able, to return to and remain
31 at the scene of the accident. A person failing to stop or
32 to comply with the requirements in the event of an accident
33 resulting in an injury to any person is guilty upon conviction
34 of a serious misdemeanor. A person failing to stop or to
35 comply with the requirements in the event of an accident

1 resulting in a serious injury to any person, is guilty upon
2 conviction of an aggravated misdemeanor. A person failing to
3 stop or to comply with the requirements in the event of an
4 accident resulting in the death of a person is guilty upon
5 conviction of a class "D" felony.

6 The bill includes additional penalties for a driver of a
7 vehicle involved in an accident who causes serious injury to
8 any person and who fails to remain at the scene of an accident
9 (a class "D" felony), and for a driver of a vehicle involved in
10 an accident who causes the death of any person and who fails
11 to remain at the scene of the accident (a class "C" felony).
12 A class "D" felony is punishable by confinement for no more
13 than five years and a fine of at least \$1,025 but not more than
14 \$10,245, and a class "C" felony is punishable by confinement
15 for no more than 10 years and a fine of at least \$1,370 but not
16 more than \$13,660.

17 The bill defines "serious injury" as any of the following:
18 disabling mental illness; bodily injury which creates
19 a substantial risk of death, causes serious permanent
20 disfigurement, or causes protracted loss or impairment of
21 the function of any bodily member or organ; any injury to
22 a child that requires surgical repair and necessitates the
23 administration of general anesthesia; and includes but is not
24 limited to skull fractures, rib fractures, and metaphyseal
25 fractures of the long bones of children under the age of four
26 years.